

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1332 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAMABEN CHANDRAKANT THRO' POH MANUBHAI NADLAL KAVA

Versus

ALARAKHBHAI ABHRAMBHAI VORA

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Appearance:

MR PK PAREKH for Petitioner

NOTICE SERVED for Respondent No. 1

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/03/98

ORAL JUDGEMENT

Heard the learned Advocate for the petitioner.  
In spite of notice, none appears for the respondent. The plaintiff filed suit for eviction. The say of the petitioner is that the defendant-respondent is a trespasser. The grievance voiced by the learned Advocate is that in spite of the fact that the case was adjourned, the learned Judge, by the impugned order, permitted

exhibiting of documents which are xerox copies. It is further submitted that the order has been passed without giving any opportunity of hearing.

2. Having heard the learned Advocate for the petitioner, I feel that the Civil Revision Application deserves to be allowed. The learned Judge has committed error in passing the impugned order dated 15.9.1997 in absence of the learned Advocate for the plaintiff, more particularly when the case was adjourned. It is also surprising that how the xerox copies of the documents have been permitted to be executed. Be that as it may, an appropriate order shall be passed by the learned Judge after hearing the both the parties.

3. In view of the aforesaid, this Revision Application is allowed. The impugned order dated 15.9.1997 passed below exh. 148 in RCS No.5/87 by the Civil Judge, (JD), Botad is quashed and set aside.

Rule made absolute. No order as to costs.

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msp.